

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Agenda March 12, 2013 7:00 P.M.

Call to Order/Roll Call of Council Members

Invocation given by Reverend Emanuele De Nigris of Santa Cecilia Catholic Church

Pledge of Allegiance led by Councilman Paul B. Hernandez

ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK

The following guidelines have been established by the City Council:

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

Presentations –

- (1) Proclamation of the Mayor declaring 12 day of March 2013, as “Reverend Emanuele De Nigris” day.
- (2) Award of Merit presented to Ashley Luy, Water Polo Team Player of the City of Hialeah Parks and Recreation Department, for being chosen to attend the United States Polo Olympic Developmental Program in Huntington Beach, California.
- (3) Certificates of Appreciation presented to Alex Donis and Nelson Dominguez, employees of the City of Hialeah Parks and Recreation Department, for their coaching, leadership and dedication to the City's Parks and Recreation Youth Water Polo Team.
- (4) Certificate of Appreciation presented to Lester W. Bowles, Chairman of the City's Veterans Affairs Board, for his service to the City from February 2012 through March 2013.
- (5) Certificates of Merit presented to the following students of Westland Hialeah Senior High School and participants of the Soccer Team for their achievement of the Florida High School Athletic Association 2013 Class 4A District 16 Champions:

- Anuar Canizales

- Carlos Castro Talavera
- Yordano Romero
- Luigi Infanzón
- Tito Herrera
- Asniel Perez
- Kenneth Rosales
- Adrian Perez
- Maykol Valdes
- Marlon Rodriguez
- Ismael Gonzalez
- Shem Rivera
- Enrique Diaz
- Renato Goncalves
- Denis Aviles
- Kevin Gonzalez
- Daniel Gonzalez
- Sergio Ruiz

(6) Certificates of Appreciation presented to the coaches of the Soccer Team of Westland Hialeah Senior High School for their achievement of the Florida High School Athletic Association 2013 Class 4A District 16 Champions:

- Charlie Ventura
- Greg Solano Jr.
- Gregory Solano

(7) Certificate of Appreciation presented to Palm Lakes Elementary School for winning the “Planting the Seeds for a Lifetime of Healthy Eating” grant, and for implementing the program at the school. (*The certificate will be received by Principal Alina Iglesias and faculty*).

(8) Certificate of Appreciation presented to Dianna Rose, teacher at Palm Lakes Elementary, for being the visionary behind apply for the “Planting the Seeds for a Lifetime of Healthy Eating” grant, as well as for managing and administering the program.

1. Announcement of Amendments/Corrections to the Agenda –

2. Consent Agenda –

- A. Proposed resolution appointing Ines Beecher as City Treasurer and to serve in this appointed capacity effective on the date of the Mayor’s signature of this resolution following adoption. (ADMINISTRATION)
- B. Proposed resolution approving the co-designation of a portion of West 1st Avenue, from West 5th Street to West 6th Street, Hialeah, Florida, as “Woman’s Club Avenue”, in recognition of the GFWC Woman’s Club of Hialeah’s dedication to the betterment of the

community through its volunteer services, with the cost of signage to be paid by the City. (COUNCILMAN LUIS GONZALEZ)

- C. Request from St. John the Apostle Catholic Church for a procession permit on March 29, 2013, commencing at 8:00 p.m., for approximately one hour, starting from the school yard on East 4th Street heading west, turning right on East 3rd Avenue, turning right on East 5th Street, and turning right on East 4th Avenue heading back to the church. (*Recommendations from the Fire Department and Police Department*). (OFFICE OF THE CITY CLERK)
- D. Request permission to waive competitive bids, since it is advantageous to the City due to time constraints in the completion of the project for the holiday season, and issue a purchase order to Interaktivo Solutions, Inc., for the design, construction and installation of holiday banners displayed on West 49 Street, for a total cumulative amount not to exceed \$33,920. (COMMUNITY DEVELOPMENT DEPT.)
- E. Request permission to issue a purchase order to HMIQ, LLC, sole source vendor, for the Haz Mat IQ Advance Air Monitor and Sampling Training Course, for a total cumulative amount not to exceed \$25,000. (FIRE DEPT.)
- F. Request permission to increase purchase order # 2013-308, since it is advantageous to the City, issued to Hydraulic Sales and Service, Inc., for the purchase of hydraulic fittings and hoses for City vehicles, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.)
- G. Request permission to increase purchase order # 2013-305, since it is advantageous to the City, issued to Sullivan and Sullivan, Inc., d/b/a Interstate Batteries of Southern Florida, for the purchase of vehicle batteries for City vehicles, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.)
- H. Request permission to increase purchase order # 2013-238, since it is advantageous to the City, issued to K.V.P. Enterprises, Inc., d/b/a Expert Diesel, for the purchase of engine parts for the City's heavy equipment, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.)
- I. Request permission to increase purchase order # 2013-683, since it is advantageous to the City, issued to Palmetto Ford Truck Sales, Inc., for the purchase of Ford and Sterling truck parts for City trucks, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$45,000. (FLEET MAINTENANCE DEPT.)
- J. Request permission to increase purchase order # 2013-684, since it is advantageous to the City, issued to Auto Plus, Inc., for the purchase of Ford and AC Delco parts for City vehicles, by an additional amount of \$25,000, for a new total cumulative amount not to exceed \$75,000. (FLEET MAINTENANCE DEPT.)
- K. Proposed resolution authorizing the Mayor and/or his designee to receive an award, in the amount of \$500,000.00, and to execute any and all documents, from the State of Florida Department of Elder Affairs, under the Senior Center Fixed Capital Outlay State Grants and Aids, for the construction of a Multi-Purpose Adult Center to be located within the

premises of the 300 Unit Elderly Housing Project (2659 West Okeechobee Road). (DEPT. OF GRANTS AND HUMAN SERVICES)

- L.** Report to the Mayor and City Council of the Library Division's application to the Federal Universal Service Fund for program year 2013-2014. If approved, the Library Division will receive an 80% discount of approximately \$53,176, leaving the library responsible for 20% of the cost of services at approximately \$13,294. The services will include basic telecommunication charges and Internet connectivity. (LIBRARY DIV.)
- M.** Request permission to waive competitive bids, since it is advantageous to the City due to time constraints in the completion of the project, and issue a purchase order to Aquamen Waterslide Restorations, LLC., for the restoration of the two slides at Bucky Dent Aquatic Center, for a total cumulative amount not to exceed \$24,663. (DEPT. OF PARKS AND RECREATION)
- N.** Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Odums' Sod, Inc., to replace the sod in the outfield of Field 1 and partial areas of Fields 3 and 4 at Bucky Dent Park, for a total cumulative amount not to exceed \$32,522.40. (DEPT. OF PARKS AND RECREATION)
- O.** Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Lou's Police Distributors, Inc., for uniform items purchased between October 2012 and February 2013, for a total cumulative amount not to exceed \$54,946.99. (POLICE DEPT.)
- P.** Proposed resolution repealing and rescinding Hialeah, Fla., Resolution 13-14 (Feb. 26, 2013) and authorizing the placement of Property Insurance through the services of Arthur J. Gallagher Risk Management Services, Inc., an Illinois Corporation, insuring city property, including, but not limited to, buildings, contents, property, equipment, and vehicles, for an annual premium of \$685,362.88 commencing on March 10, 2013 and expiring on March 10, 2014 for Layered Insurance Coverage with insurance companies of a combined and total maximum loss limit of \$7.5 Million against damages caused by Natural Disasters and \$12.5 million against damages caused by all other perils, and a 5% deductible for a named windstorm and hail storm, subject to a \$250,000.00 deductible and to place city's required Flood Coverage on necessary properties in accordance with the National Flood Program at appropriate renewal periods; and waiving competitive bidding requirements as advantageous to the city. (DEPT. OF RISK MANAGEMENT)
- Q.** Request permission to increase purchase order # 2013-26, since it is advantageous to the City, issued to Personally Yours Services, Inc., for temporary agency services, by an additional amount of \$60,000, for a new total cumulative amount not to exceed \$75,000. (DEPT. OF WATER AND SEWERS)
- R.** Request permission to increase purchase order # 2013-1081, since it is advantageous to the City, issued to SRS Engineering, Inc., for several engineering activities that require engineering inspection services, by an additional amount of \$85,000, for a new total cumulative amount not to exceed \$100,000. (DEPT. OF WATER AND SEWERS)

- S. Request permission to increase purchase order # 2013-1085, since it is advantageous to the City, issued to SRS Engineering, Inc., for several engineering activities that require engineering inspection services, by an additional amount of \$35,000, for a new total cumulative amount not to exceed \$50,000. (DEPT. OF WATER AND SEWERS)
- T. Request permission to issue a purchase order to Springbrook Software, Inc., sole source vendor, for the cost of the annual system maintenance to the billing system from October 1, 2012 through September 30, 2013, for a total cumulative amount not to exceed \$72,710.17. (DEPT. OF WATER AND SEWERS)
- U. Request permission to issue a purchase order to Milian Swain and Associates, Inc., one of the City's approved engineering pool consultants, to prepare construction plans, specifications and permit applications for the following two projects allowing roadway access to the RO Water Treatment Plant: Improvement of NW 154th Street from 97th and Avenue to NW 102nd Avenue and NW 102nd Avenue from NW 154 Street to NW 166 Street, for a total cumulative amount not to exceed \$115,690.56. (DEPT. OF WATER AND SEWERS)
- V. Request permission to enter into a contract with AMSCOT Corporation, for the collection of water, sewer, storm water and solid waste fees. AMSCOT proposes to open and currently has financial service locations throughout the City, and has proposed to act as a payment center for utility fees. The collection of fees will be reported daily to the Department of Water and Sewers with the corresponding electronic transfer of funds. These services were offered to the City at no cost to the department. (DEPT. OF WATER AND SEWERS)
- W. Request permission to increase purchase order # 2013-927 issued to Silva Management of Miami, Inc., for the maintenance of the department's administrative and customer service offices, by an additional amount of \$7,000, for a new total cumulative amount not to exceed \$22,000. (DEPT. OF WATER AND SEWERS)
- X. Request permission to waive competitive bids, since it is advantageous to the City due to the DBO (contractor) claiming they could not complete their contractual obligations because of poor road conditions, and issue a purchase order to Williams Paving Company, Inc., which is working for the City in the immediate area of these roadways installing well pipes, to complete emergency repairs to provide temporary access to RO Plant site, for a total cumulative amount not to exceed \$28,949.97. (DEPT. OF WATER AND SEWERS)
- Y. Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Labor Ready Southeast, Inc., for temporary day workers in the Solid Waste Division of the Department of Public Works, utilized in preparation for privatizing solid waste operations, for a total cumulative amount not to exceed \$17,000 monthly, to pay for past invoices and anticipated expenses during the fiscal year. (DEPT. OF WATER AND SEWERS)
- Z. Request permission to increase purchase order 2013-1611 issued to E & M Equipment, Corp., for the construction of the water line connections along West 80th Street, by an additional amount of \$45,745.32, which exceeds the additional authorization of \$50,000 for

contingencies due to unknown field conditions, for a new total cumulative amount not to exceed \$476,915.64. (DEPT. OF WATER AND SEWERS)

3. First reading of proposed ordinance accepting the Right-of-Way Deed from Bal Bay Realty, Ltd., a Florida Limited Partnership, consisting of approximately 6,294 square feet in total area within the Hialeah Racetrack property located at 2200 East 4 Avenue, Hialeah, Florida as more particularly described within the Right-of-Way Deed, a copy of which is attached hereto and made a part hereof as Exhibit “1”.; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (LAW DEPT.)
4. First reading of proposed ordinance amending Chapter 70 entitled "Retirement and Pensions", Article IV. Employees General Retirement System, of the Code of Ordinances, and in particular, revising Hialeah Code § 70-237 entitled “Compulsory Retirement Age; Extensions” to provide for reemployment of retirees, without affecting retirement benefits, as contract employees under limited circumstances where there exists an operational necessity involving life safety concerns to perform duties of a Public Safety Communications Officer; provide limitations of such reemployment and rename section title; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (LAW DEPT.)
5. Board Appointments –
 - a. Appointment by Councilwoman Cue-Fuente of William Chmely to the City of Hialeah Youth Advisory Board for the remainder of a two (2) year term ending on November 13, 2013.
6. Unfinished Business –
7. New Business –
8. Comments and Questions –

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor’s approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor’s signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1.** Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) to allow an Adult Congregate Living Facility (ACLF) with a maximum bed capacity

of 34 and granting a Variance Permit to allow a lot coverage of 36.7%, where a maximum lot coverage of 30% is allowed, to allow 5 parking spaces, where at least 11 parking spaces are required, to allow all parking spaces to back out on to the street, where backout parking is only allowed in low density Residential Districts, to allow a rear setback of 15 feet, where 20 feet are required, and to allow a South side setback of 2.3 feet, where 10 feet are required, contra to Hialeah Code §§ 98-590, 98-591, 98-2056(b)(2), 98-2189(21) and 98-2190. **Property located at 1315 Southeast 9 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Ceasar Mestre – 7600 West 20 Avenue, Suite 220, Hialeah, Florida 33016*) (Item was tabled on 2/12/2013 at the request of the applicant). (Item was removed from table on 2/26/2013).

- PZ 2.** Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a single family home on a substandard-sized lot having a width of 42.49 feet, where a minimum average width of 75 feet is required, a total area of 5,879 square feet, more or less, where a total area of at least 7,500 square feet is required and a corner side setback of 10 feet, where 15 feet are required, contra to Hialeah Code §§ 98-499 and 98-501. **A vacant lot located at the Northeast corner of the intersection between West 2 Avenue and West 33 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: ECO Hialeah, LLC c/o Eugenio Lage – 7811 Coral Way, Suite 100, Miami, Florida*) (Item was tabled on 2/12/2013 at the request of the Council). (Item was removed from table on 2/26/2013).
- PZ 3.** Second reading and public hearing of proposed ordinance rezoning from R-1 (One Family District) to P (Parking District) according to a Site Plan prepared by Tirso P. Martinez, R.A. and submitted with the application and granting a Variance Permit to allow a Landscape Buffer of 4 feet along the street frontage, contra to Hialeah Code §98-1617, on property zoned P (Parking District). **Property located at 374 West 35 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Tirso P. Martinez, R.A.*)
- PZ 4.** Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a Single Family Home on a Substandard-Sized Lot having a width of 50 feet, where a minimum average width of 75 feet is required, and a total area of 6,375 square feet, more or less, where a total area of at least 7,500 square feet is required, contra to Hialeah Code § 98-499. **A Vacant Lot located at the Northeast corner of the intersection between West 8 Avenue and West 33 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Lenox Real Estate Developers, LLC, c/o Maria Elena Toledo & Alberto Gonzalez*)
- PZ 5.** Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a Pylon LED Sign on property Zoned C-1 (Restricted Retail Commercial District) outside the geographic area where LED Signs are permitted, a distance of less than 300 feet from property zoned Residential, where a minimum 300 feet is required; contra to Hialeah

Code §§ 74-149 (B) and 74-149 (E). **Property located at 4800 Palm Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: City of Hialeah*)

PZ 6. First reading of proposed ordinance rezoning from M-2 (Industrial District) to C-2 (Liberal Retail Commercial District) and granting a Variance Permit to allow 33 parking spaces, where 84 parking spaces are required, to allow 17 parking spaces to back out on to the street, where back-out parking is allowed only in low density residential areas, to allow a front setback of 14.95 feet, where 20 feet are required, a rear setback of 0.60 feet, where 15 feet are required, to allow no landscape buffer, where a 7-foot buffer is required between the parking area and the right-of-way, and to allow 10.8% pervious area, where 18% is required, contra to Hialeah Code §§98-1115, 98-1117, 98-2189(8), 98-2190, 98-2233. **Property located at 980-990 West 22 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Serafin Blanco*)

PZ 7. First reading of proposed ordinance granting a Variance Permit to allow Pawnbroking of Secondhand Jewelry by a Retail Jewelry Store on property zoned CR (Commercial-Residential District) and located in the Extended Hialeah Downtown Urban Center District, contra to Hialeah Code §98-1111(21) as referenced in Hialeah Code §98-891. **Property located at 1765-1795 East 4 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Chaled Corporation*)

FINAL DECISIONS

FD 1. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 12-01 that granted an adjustment on property located at **7195 West 2 Way, Hialeah, Florida;** and providing for an effective date. (*Applicant: Russell E. Tripp, Trustee*)

FD 2. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 13-02 that granted adjustments on property located at **692 East 33 Street, Hialeah, Florida;** and providing for an effective date. (*Applicant: Neisi Rodriguez*)

FD 3. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 13-03 that granted adjustments on property located at **351-353 East 17 Street, Hialeah, Florida;** and providing for an effective date. (*Applicant: Farzana Merchant*)

NEXT CITY COUNCIL MEETING: March 26, 2013 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: May 28, 2013 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).